



UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,661	12/14/2001	Kenichi Numata	111470	4875

25944 7590 08/10/2005

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

STORK, KYLE R

ART UNIT	PAPER NUMBER
----------	--------------

2178

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,661

Applicant(s)

NUMATA ET AL.

Examiner

Kyle R. Stork

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

HC

DETAILED ACTION

1. This final office action is in response to the amendment filed 23 June 2005.
2. Claims 1-2, 4, 7, and 9-10 are pending. Claims 1, 2, and 9-10 are independent claims. Claims 9-10 are newly added by the amendment. Claims 3, 5-6, and 8 are cancelled by the amendment.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 4, 7, and 9-10 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per independent claims 9 and 10, the applicant claims a "linking element (page 4, line 22- page 5, line 2; and page 5, line 25- page 6, line 4 respectively)." The terms "linking element," and "link," do not appear within the applicant's specification (see Search Notes).

Dependent claims 4 and 7 are similarly rejected based upon their dependency upon rejected base claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2 remain rejected under 35 U.S.C. 102(b) as being anticipate by Ferrell et al. (US 5878421, filed 17 July 1995, herein Ferrell).

In regard to independent claim 1, Ferrell discloses a decomposition part that decomposes an inputted structured document into plural partial structures in accordance with a setting and generates a hierarchical relationship between the partial structures as first structural information (Ferrell Figures 9a and 10 and Col 20 Lines 51-67 through Col 21 Lines 1-38 i.e. a hierarchical structure of a document is displayed which includes a parent or root node from which child or other nodes depend on and relate to); a structural information registration part that, for each of the partial structures: generates a hierarchical relationship between elements in the partial structure; assigns to each of the elements in the partial structure a depth first node order; and associates a maximum node order of node orders of elements with each element (Ferrell Figures 9a and 10 and Col 20 Lines 51-67 through Col 21 Lines 1-38 i.e. a hierarchical structure of a document is displayed which includes a parent or root node from which child or other nodes depend on and relate to and also appear in a certain order); and an information retaining part that retains the first structural information and the second structural information (Ferrell Figures 9a and 10 and Col 20 Lines 51-67 through Col 21 Lines 1-

Art Unit: 2178

38 i.e. a hierarchical structure of a document is displayed which includes a parent or root node from which child or other nodes depend on and relate to and the information retained for part of the first node which the second structural information depends on).

In regard to independent claim 2, Ferrell discloses decomposing an inputted structured document into plural partial structures in accordance with a setting; generating a hierarchical relationship between the partial structures as first structural information (Ferrell Figures 9a and 10 and Col 20 Lines 51-67 through Col 21 Lines 1-38 i.e. a hierarchical structure of a document is displayed which includes a parent or root node from which child or other nodes depend on and relate to); generating, for each partial structure, a hierarchical relationship between elements in the partial structure as second structural information assigning, for each partial structure, each of the elements in the partial structure a depth first node order; and associating, for each partial structure, a maximum node order of node orders or elements with each element in the partial structure (Ferrell Figures 9a and 10 and Col 20 Lines 51-67 through Col 21 Lines 1-38 i.e. a hierarchical structure of a document is displayed which includes a parent or root node from which child or other nodes depend on and relate to and also appear in a certain order); and retaining the first structural information and the second structural information (Ferrell Figures 9a and 10 and Col 20 Lines 51-67 through Col 21 Lines 1-38 i.e. has a first and second node, the first node being the parent or root node and a second node which would be dependent or a child of the root node and adding additional nodes related to the first and second node for managing the structured document).

Response to Arguments

7. Applicant's arguments filed 23 June 2005, have been fully considered but they are not persuasive.

The applicant argues that, "Ferrel does not disclose, teach, or suggest both first structural information and second structural information, each having a hierarchical structure. Further, Ferrel does not disclose, teach, or suggest that the second structural information includes a relation between elements of each partial structure in the first structural information (page 7, paragraph 5)." However, the examiner respectfully disagrees. As the applicant discloses, Examiners Burge and Paula considered section A, section B, and story C to be the first structural information, while subsection A, story B, head 1014, and body 1016 to be the second structural information (page 8, final paragraph). Although the applicant is correct in pointing out that the elements of the first structural information, and similarly the second structural information, appear on the same level of the tree (page 9, lines 1-2), the applicant is mistaken in claiming that they do not have a hierarchical relationship. The elements of the first structural information are hierarchically related as children of Title (Figure 10, item 992). The elements Section A (item 994), Section B (item 996), and Story C (item 1004) are hierarchically related as siblings. Further, the elements of the second structural information are hierarchically related as second level children, or grandchildren, of Title (item 992).

Further, if the applicant intends for the first structural information to occur on the same hierarchical level as the second structural information, i.e. the first and second

structural information being siblings, Ferrell further discloses such a hierarchical relationship. In this case, Body (item 1008) acts as the parent for both the first structural information, H1 (item 1020) and Text (item 1040), and the second structural information, P1 (item 1022) and Text (item 1042).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R. Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).


Art Unit: 2178

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kyle Stork
Patent Examiner
Art Unit 2178

krS


CESAR PAULA
PRIMARY EXAMINER